

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT ZIMMERMAN, )  
Plaintiff ) Civil Action  
vs. ) No. 10-cv-02267  
NORFOLK SOUTHERN CORPORATION, )  
Defendant )

O R D E R

NOW, this 16th day of August, 2011, upon consideration of the following documents:

- (1) Defendant's Motion for Summary Judgment filed March 31, 2011 (Document 27), together with a Brief in Support of Defendant's Motion for Summary Judgment (Document 27-1);  
Defendant's Statement of Uncontested Facts filed May 19, 2011 (Document 37);
- (2) Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment, which brief was filed April 21, 2011 (Document 33), together with Plaintiff's Statement of Facts in Response to Defendant's Motion for Summary Judgment (Document 32);  
Plaintiff's Response to Defendant's Statement of Uncontested Facts, which response was filed June 1, 2011 (Document 42);
- (3) Defendant, Norfolk Southern Corporation's Brief in Reply to Plaintiff's Brief in Opposition to Defendant's Motion for Summary Judgment, which reply was filed May 25, 2011 (Document 40); and
- (4) Plaintiff's Sur-Reply Brief in Opposition to Defendant's Motion for Summary Judgment,

which sur-reply brief was filed June 21, 2011  
(Document 46);

and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that Defendant's Motion for Summary  
Judgment is granted.

IT IS FURTHER ORDERED that judgment is entered in favor  
of defendant Norfolk Southern Corporation and against plaintiff  
Robert Zimmerman on Counts I, II, and III.

IT IS FURTHER ORDERED that plaintiff's claim for  
punitive damages set forth in Count IV is dismissed as moot.

IT IS FURTHER ORDERED that the Clerk of Court shall  
mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge